

State of Colorado



Bill Owens
Governor

Stacy L. Worthington
Board Director

DPA

Department of Personnel
& Administration

State Personnel Board
The Chancery
1120 Lincoln St., Suite 1420
Denver, Colorado 80203
Phone (303) 764-1472
Fax (303) 894-2147

AGENDA PUBLIC BOARD MEETING August 19, 2003

A public meeting of the State Personnel Board will be held on Tuesday, August 19, 2003, at the Colorado Department of Transportation, 4201 East Arkansas Avenue, Second Floor Auditorium, Denver, Colorado 80222. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-764-1472 by August 14, 2003.

* * * * *

I. REQUESTS FOR RESIDENCY WAIVERS

- A. August 1, 2003 Report on Residency Waivers

Reports are informational only; no action is required.

II. PENDING MATTERS - CASES ON REMAND

- A. Perry Venard v. Department of Corrections, Arkansas Valley Correctional Facility, State Personnel Board case number 2000B114.

On May 8, 2003, the Court of Appeals issued its Order Vacated and Case Remanded with Directions. On July 2, 2003, Complainant filed a Renewed Motion for Remand to Administrative Law Judge for New Hearing and Taking of Testimony. On July 8, 2003, the Mandate from the Court of Appeals was issued.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There are no Initial Decisions or Other Final Orders of the Administrative Law Judges or the Director on appeal to the Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

- A. Zeldra Bryant v. Regents of the University of Colorado, University of Colorado Health Science Center, State Personnel Board case number 2003B089.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review the agency's layoff decision and subsequent placement into another position. On July 31, 2003, a Preliminary Recommendation of the Director was issued, recommending a hearing be denied.

- B. Anwar Hussein v. Regents of the University of Colorado, University of Colorado at Colorado Springs, State Personnel Board case number 2002B041.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's decision to terminate Complainant's probationary employment. On August 6, 2003, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending a hearing be denied.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

- A. Susan Downey v. Community Colleges in Colorado, Arapahoe Community College, State Personnel Board case number 2003B109.

On July 31, 2003, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's decision to reduce Complainant's pay was arbitrary, capricious or contrary to rule or law. The ALJ ordered Respondent to reinstate Complainant's salary at her former Administrative Assistant III level retroactive to the date Complainant assumed position #292.

- B. Michael Miranda v. Department of Public Safety, Colorado State Patrol, State Personnel Board case number 2002B075(C).

On August 1, 2003, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's pay reduction and removal of Complainant's position from the Colorado State Patrol Accident Reconstruction Team was not arbitrary, capricious or contrary to rule or law. The ALJ ordered that Respondent's action is affirmed and Complainant's appeal is dismissed with prejudice.

- C. Leon Aragon v. Department of Human Services, Colorado Mental Health Institute at Pueblo, State Personnel Board case number 2003B099.

On August 7, 2003, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's disciplinary termination of Complainant's employment was not arbitrary, capricious or contrary to rule or law. The ALJ ordered Respondent's action is affirmed and Complainant's appeal is dismissed with prejudice.

VI. REVIEW OF THE MINUTES FROM THE JULY 15, 2003 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS JULY 15, 2003 PUBLIC MEETING:

- A. Michael D. Griego v. Department of Local Affairs, Division of Property Taxation, State Personnel Board case number 2003D005.

The Board voted to deny the petition for declaratory order.

- B. Andre Smith v. Regents of the University of Colorado at Denver, Auraria Higher Education Center, State Personnel Board case number 2003B042(C).

The Board voted to remand the matter to the Administrative Law Judge for rehearing on the basis that the burden of proof should not be shifted from one party to the other in the Initial Decision, after a ruling at hearing that the first party bore the burden of proof.

- C. Albert McNeill v. Department of Labor and Employment, State Personnel Board case number 2003G065.

The Board voted to adopt the Preliminary Recommendation of the Director and deny the petition for hearing.

- D. Lynn Michael, Sandy Henderson, Jaswant Kohli, Deborah Mitchell, Joseph Orndoff, Beverly Suazo, Sarah Williams, Glenna Davis, Dave Knopp, Anthony Bustamante, Joseph Mondragon, Gloria Smith & Rebecca Tygart v. Department of Labor and Employment, Unemployment Insurance and Department of Personnel and Administration, State Personnel Board case number 2003G056.

The Board voted to adopt the Preliminary Recommendation of the Director and deny the petition for hearing.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Mandate/Order of Dismissal in Brown v. Department of Public Safety, Colorado Bureau of Investigation, State Personnel Board case number 2002G090, Court of Appeals No. 02CA2414

B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

A. Case Status Report

B. Minutes of the July 2003 Executive Session

* * *

NEXT REGULARLY SCHEDULED BOARD MEETINGS

9:00 a.m.

<u>Date</u>	<u>Location</u>
September 16, 2003	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
October 21, 2003	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
November 18, 2003	Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246
December 16, 2003	Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246
January 20, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
February 17, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
March 16, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
April 20, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
May 18, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
June 15, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222